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August 2, 2021

**BY ECF**

Hon. Gabriel W. Gorenstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: Verburg v. Scholastic Inc.,  
Index No. 1:19-cv-10837 (JGK)(GWG)**

Dear Judge Gorenstein:

We represent Plaintiff Bonnie Verburg in this action and jointly write with counsel for defendants Scholastic, Inc., Richard Robinson and Eleanor Berger (collectively, “Defendants”) to (i) update the Court on mediation; and (ii) request an extension of the deadline for fact discovery in this case to October 22, 2021.

On July 26, 2021, the Court ordered the parties to submit a letter regarding the status of the mediation that was previously ordered in this case. The parties apologize for not updating the Court sooner but the parties intend to mediate the case before a private mediator. The parties have mutually agreed upon a mediator from JAMS and are in the process of trying to schedule a date for the mediation. Unfortunately, because of the schedules of the mediator and people who will have to participate in the mediation, we have not been able to schedule the mediation yet. The parties expect that the mediation will be scheduled for some time in August or early September.

Because the parties agreed in principle to mediate this case as soon as possible, the parties have not completed outstanding fact discovery, which is limited to Plaintiff’s taking of four non-party witness depositions. Accordingly, the parties respectfully request that the Court extend the discovery schedule as follows to accommodate a private mediation session and completion of fact discovery:

The parties propose the below revised schedule for this action.

- A. Fact discovery including depositions will be completed by October 15, 2021.
- B. The parties confirm that they intend to engage expert witnesses in this action. Initial expert reports shall be due on November 15, 2021, rebuttal expert reports shall be due

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- on December 15, 2021, and expert discovery shall be completed by January 31, 2022.
- C. Any request to Judge Koeltl for permission to make a summary judgment motion shall be filed by February 11, 2022.
  - D. If no request for permission to make a summary judgment motion is filed by February 11, 2022, the Joint Pre-Trial Order will be due February 25, 2022. If such a request is made, the Joint Pre-Trial Order will be due 30 days after the decision on the summary judgment motion.

On January 15, 2021, Your Honor set forth the current discovery schedule in the case in an order.<sup>1</sup> (Dkt. # 54.) On February 16, the parties filed a joint request to extend discovery deadlines. (Dkt. # 57.) That request was denied without prejudice to a new application that complies with paragraph 1.E of the Court's Individual Practices. (Dkt. #58.) The parties then made a revised joint request for an extension of discovery deadlines on February 22, 2021, which was granted the same day. (Dkt. #59, 60.) The parties subsequently made another joint request for extension of discovery deadlines on March 23, which was granted on March 24. (Dkt. #65, 66.) The parties made another joint request for extension of discovery deadlines on May 12, which was granted on May 12. (Dkt. #72, 73.) The parties made another joint request for the extension of discovery deadlines on June 9, which was granted on June 10 (Dkt. #74, 75).

The parties thank Your Honor for your consideration of this request.

Respectfully submitted,

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CC: All counsel of record

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<sup>1</sup> The parties previously requested an extension of discovery deadlines on August 5, 2020, which was granted on August 6 (Dkt. # 45), and on October 23, 2020, which was granted on October 26, 2020 (Dkt. # 47).